



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FASHIONTV.COM GMBH,

Plaintiff,

-against-

MATTHEW HEW, CHRIS OLIC, LOUIS  
KLAREVAS, MONIKER ONLINE SERVICES,  
INC., INVESTORSNET, LLC., and John Does.  
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06 cv 3200 (GBD)

ORDER

GEORGE B. DANIELS, District Judge:

Plaintiff filed this action to recover damages for defendants' alleged usurpation of plaintiff's Internet domain name, "FASHIONTV.COM." The matter was referred to Magistrate Judge Nathaniel Fox who issued a Report and Recommendation ("Report") recommending the denial of plaintiff's application for default judgment against defendant Moniker Online Services, Inc. Judge Fox found that plaintiff, in moving for default judgment, had not complied with Fed. R. Civ. P. 55 and Local Civil Rules 55.1 and 55.2. The Report advised the parties that any objections to the Report must be filed within ten days. Neither party filed objections to the Report, and the time to do so has expired. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Where there are no objections, the Court may accept the Report provided there is no clear error on the face of the record. Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985); see also, Heisler v. Kralik, 981 F.Supp 830, 840 (S.D.N.Y. 1997), aff'd 167 F.3d 618 (2d Cir. 1998). After reviewing the Report, the Court finds that the record is not facially erroneous.

Accordingly, the Court adopts the Report in its entirety and for the reasons stated therein, the application for default judgment is denied.

Dated: August 16, 2007  
New York, New York

SO ORDERED:

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GEORGE B. DANIELS  
United States District Judge